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Sec. 2 of the Save Our Seas 2.0 Act (33 U.S.C. 4201)

§4201. Definitions

In this chapter:

(1) Circular economy

The term "circular economy" means an economy that uses a systems-focused approach and involves industrial processes and economic activities that-

- (A) are restorative or regenerative by design;
- (B) enable resources used in such processes and activities to maintain their highest values for as long as possible; and
- (C) aim for the elimination of waste through the superior design of materials, products, and systems (including business models).

(2) EPA Administrator

The term "EPA Administrator" means the Administrator of the Environmental Protection Agency.

(3) Indian Tribe

The term "Indian Tribe" has the meaning given the term "Indian tribe" in [section 5304 of title 25](#), without regard to capitalization.

(4) Interagency Marine Debris Coordinating Committee

The term "Interagency Marine Debris Coordinating Committee" means the Interagency Marine Debris Coordinating Committee established under [section 1954 of this title](#).

(5) Marine debris

The term "marine debris" has the meaning given that term in [section 1956 of this title](#).

(6) Marine debris event

The term "marine debris event" means an event or related events that affects or may imminently affect the United States involving-

- (A) marine debris caused by a natural event, including a tsunami, flood, landslide, hurricane, or other natural source;
- (B) distinct, nonrecurring marine debris, including derelict vessel groundings and container spills, that have immediate or long-term impacts on habitats with high ecological, economic, or human-use values; or
- (C) marine debris caused by an intentional or grossly negligent act or acts that causes substantial economic or environmental harm.

(7) Non-Federal funds

The term "non-Federal funds" means funds provided by-

- (A) a State;
- (B) an Indian Tribe;
- (C) a territory of the United States;
- (D) one or more units of local governments or Tribal organizations [(as defined in [section 4 of the Indian Self-Determination and Education Assistance Act \(25 U.S.C. 5304\)\)\];](#)

- (E) a foreign government;
- (F) a private for-profit entity;
- (G) a nonprofit organization; or
- (H) a private individual.

(8) Nonprofit organization

The term "nonprofit organization" means an organization that is described in [section 501\(c\) of title 26](#) and exempt from tax under section 501(a) of such title.

(9) Post-consumer materials management

The term "post-consumer materials management" means the systems, operation, supervision, and long-term management of processes and equipment used for post-use material (including packaging, goods, products, and other materials), including-

- (A) collection;
- (B) transport;
- (C) safe disposal of waste that cannot be recovered, reused, recycled, repaired, or refurbished; and
- (D) systems and processes related to post-use materials that can be recovered, reused, recycled, repaired, or refurbished.

(10) State

The term "State" means-

- (A) a State;
- (B) an Indian Tribe;
- (C) the District of Columbia;
- (D) a territory or possession of the United States; or
- (E) any political subdivision of an entity described in subparagraphs (A) through (D).

(10A) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given the term in [section 4 of the Indian Self-Determination and Education Assistance Act \(25 U.S.C. 5304\)](#).

(11) Under Secretary

The term "Under Secretary" means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

Sec. 111 of the Save Our Seas 2.0 Act (33 U.S.C. 4211)

§4211. Establishment and purposes of Foundation

(a) Establishment

There is established the Marine Debris Foundation (in this subchapter referred to as the "Foundation"). The Foundation is a charitable and nonprofit [\[organization\]](#) [corporation](#) and is not an agency or establishment of the United States.

(b) Purposes

The purposes of the Foundation are-

- (1) to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the National Oceanic and Atmospheric Administration under the Marine Debris Program established under [section 1952 of this title](#), and other relevant programs and agencies;

(2) to undertake and conduct such other activities as will augment efforts of the National Oceanic and Atmospheric Administration to assess, prevent, reduce, and remove marine debris and address the adverse impacts of marine debris on the economy of the United States, the marine environment, and navigation safety;

(3) to participate with, and otherwise assist, State, local, and Tribal governments, foreign governments, entities, and individuals in undertaking and conducting activities to assess, prevent, reduce, and remove marine debris and address the adverse impacts of marine debris and its root causes on the economy of the United States, the marine environment (including waters in the jurisdiction of the United States, the high seas, and waters in the jurisdiction of other countries), and navigation safety;

(4) subject to an agreement with the Secretary of Commerce, administer the Genius Prize for Save Our Seas Innovation as described in title II; ¹ and

(5) to support other Federal actions to reduce marine debris.

Sec. 112 of the Save Our Seas 2.0 Act (33 U.S.C. 4212)

§4212. Board of Directors of the Foundation

(a) Establishment and membership

(1) In general

The Foundation shall have a governing Board of Directors (in this subchapter referred to as the "Board"), which shall consist of the Under Secretary and 12 additional Directors appointed in accordance with subsection (b) from among individuals who are United States citizens.

(2) Representation of diverse points of view

To the maximum extent practicable, the membership of the Board shall represent diverse points of view relating to the assessment, prevention, reduction, and removal of marine debris.

(3) Not Federal employees

Appointment as a Director of the Foundation shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law.

(b) Appointment and terms

(1) Appointment

Subject to paragraph (2), after consulting with the EPA Administrator, the Director of the United States Fish and Wildlife Service, the Assistant Secretary of State for the Bureau of Oceans and International Environmental and Scientific Affairs, and the Administrator of the United States Agency for International Development, [and considering] considering the recommendations submitted by the Board, and with the approval of the Secretary of Commerce, the Under Secretary shall appoint 12 Directors who meet the criteria established by subsection (a) and such other criteria as the Under Secretary may establish, of whom-

(A) at least 4 shall be educated or experienced in the assessment, prevention, reduction, or removal of marine debris, which may include an individual with expertise in post-consumer materials management or a circular economy;

(B) at least 2 shall be educated or experienced in the assessment, prevention, reduction, or removal of marine debris outside the United States;

(C) at least 2 shall be educated or experienced in ocean and coastal resource conservation science or policy; and

(D) at least 2 shall be educated or experienced in international trade or foreign policy.

(2) RECOMMENDATIONS OF BOARD REGARDING APPOINTMENTS.—For appointments made under paragraph (1) other than the initial appointments, the Board shall submit to the Under Secretary recommendations on candidates for appointment.

[(2)] (3) Terms

(A) In general

Any Director appointed after the initial appointments are made under subparagraph (B) (other than the Under Secretary), shall be appointed for a term of 6 years.

(B) Initial appointments to new member positions

Of the Directors appointed by the Under Secretary under paragraph (1), the Under Secretary shall appoint, not later than 180 days after December 18, 2020-

- (i) 4 Directors for a term of 6 years;
- (ii) 4 Directors for a term of 4 years; and
- (iii) 4 Directors for a term of 2 years.

[(3)] (4) Vacancies

(A) In general

The Under Secretary shall fill a vacancy on the Board with the approval of the Secretary of Commerce.

(B) Term of appointments to fill unexpired terms

An individual appointed to fill a vacancy that occurs before the expiration of the term of a Director shall be appointed for the remainder of the term.

[(4)] (5) Reappointment

An individual shall not serve more than 2 consecutive terms as a Director, excluding any term of less than 6 years.

[(5)] (6) Consultation before removal

The Under Secretary may remove a Director from the Board only after consultation with the Assistant Secretary of State for the Bureau of Oceans and International Environmental and Scientific Affairs, the Director of the United States Fish and Wildlife Service, the Administrator of the United States Agency for International Development, and the EPA Administrator and with the approval of the Secretary of Commerce.

(c) Chairman

The Chairman shall be elected by the Board from its members for a 2-year term.

(d) Quorum

A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(e) Meetings

The Board shall meet at the call of the Chairman at least once a year. If a Director misses 3 consecutive regularly scheduled meetings, that individual may be removed from the Board and that vacancy filled in accordance with subsection (b).

(f) Reimbursement of expenses

Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Foundation.

(g) General powers

(1) In general

The Board may complete the organization of the Foundation by-

- (A) appointing [officers and employees] the initial officers and employees;
- (B) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provisions of this subchapter; and
- (C) undertaking of other such acts as may be necessary to carry out the provisions of this subchapter.

(2) Limitations on appointment

The following limitations apply with respect to the appointment of officers and employees of the Foundation:

- (A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers and employees of the Foundation shall be appointed without regard to the provisions of title 5 governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.
- (B) The first officer or employee appointed by the Board shall be the Secretary of the Board who-
 - (i) shall serve, at the direction of the Board, as [its chief operating officer] the chief executive officer of the Foundation; and
 - (ii) shall be knowledgeable and experienced in matters relating to the assessment, prevention, reduction, and removal of marine debris.

(h) CHIEF EXECUTIVE OFFICER.—

(1) APPOINTMENT; REMOVAL; REVIEW.—The Board shall appoint and may remove and review the performance of the chief executive officer of the Foundation.

(2) POWERS.—The chief executive officer of the Foundation may appoint, remove, and review the performance of any officer or employee of the Foundation.

Sec. 113 of the Save Our Seas 2.0 Act (33 U.S.C. 4213)

§4213. Rights and obligations of the Foundation

(a) In general

The Foundation-

- (1) shall have perpetual succession;
- (2) may conduct business throughout the several States, territories, and possessions of the United States and abroad; and
- (3) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

(b) Service of process

The serving of notice to, or service of process upon, the agent required under subsection (a)(3), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(c) Powers

(1) In general

To carry out its purposes under [section 4211 of this title](#), the Foundation shall have, in addition to the powers otherwise given it under this subchapter, the usual powers of a nonprofit corporation [\[acting as a trustee\]](#) [formed](#) in the District of Columbia, including the power-

(A) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(B) to acquire by purchase or exchange any real or personal property or interest therein;

(C) to invest any funds provided to the Foundation by the Federal Government in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States;

(D) to deposit any funds provided to the Foundation by the Federal Government into accounts that are insured by an agency or instrumentality of the United States;

(E) to make use of any interest or investment income that accrues as a consequence of actions taken under subparagraph (C) or (D) to carry out the purposes of the Foundation;

(F) to use Federal funds to make payments under cooperative agreements to provide substantial long-term benefits for the assessment, prevention, reduction, and removal of marine debris;

(G) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain or otherwise dispose of any property or income therefrom;

(H) to borrow money and issue bonds, debentures, or other debt instruments;

(I) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the Directors of the Foundation shall not be personally liable, except for gross negligence;

(J) to enter into contracts or other arrangements with, or provide financial assistance to, public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(K) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

(2) Non-Federal contributions to the fund

A gift, devise, or bequest may be accepted by the Foundation without regard to whether the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

(d) Notice to Members of Congress

The Foundation may not make a grant of Federal funds in an amount greater than \$100,000 unless, by not later than 15 days before the grant is made, the Foundation provides notice of the grant to the Member of Congress for the congressional district in which the project to be funded with the grant will be carried out.

(e) Coordination of international efforts

Any efforts of the Foundation carried out in a foreign country, and any grants provided to an individual or entity in a foreign country, shall be made only with the concurrence of the Secretary

of State, in consultation, as appropriate, with the Administrator of the United States Agency for International Development.

(f) Consultation With NOAA

The Foundation shall consult with the Under Secretary during the planning of any restoration or remediation action using funds resulting from judgments or settlements relating to the damage to trust resources of the National Oceanic and Atmospheric Administration.

(g) **PRINCIPAL OFFICE.**—The Board may locate the principal office of the Foundation outside the District of Columbia and is encouraged to locate that office in a coastal State.

(h) BEST PRACTICES.—

(1) **IN GENERAL.**—The Foundation shall develop and implement best practices for conducting outreach to Indian Tribes.

(2) **REQUIREMENTS.**—The best practices developed under paragraph (1) shall—

(A) include a process to support technical assistance and capacity building to improve outcomes; and

(B) promote an awareness of programs and grants available under this Act.

Sec. 118 of the Save Our Seas 2.0 Act (33 U.S.C. 4218)

§4218. Authorization of appropriations

(a) Authorization of appropriations

(1) In general

There are authorized to be appropriated to the Department of Commerce to carry out this subchapter \$10,000,000 for each of fiscal years 2021 through 2024.

(2) Use of appropriated funds

Subject to paragraph (3), amounts made available under paragraph (1) shall be provided to the Foundation to match contributions (whether in currency, services, or property) made to the Foundation, or to a recipient of a grant provided by the Foundation, by private persons [and State and local government agencies], State and local government agencies, United States and international nongovernmental organizations, regional organizations, Indian tribes, Tribal organizations, and foreign government entities.

(3) [Prohibition] Limitation on use for administrative expenses

(A) In general

[Except as provided in subparagraph (B), no] Not more than 12 percent of Federal funds made available under paragraph (1) may be used by the Foundation [for administrative] to offset the administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

[(B) Exception]

The Secretary may allow the use of Federal funds made available under paragraph (1) to pay for salaries during the 18-month period beginning on December 18, 2020.]

(B) **SALARIES.**—The Foundation may use Federal funds described in subparagraph (A) to pay for salaries only during the 24-month period beginning on the date of the enactment of the

Save Our Seas 2.0 Amendments Act. The Secretary shall not require reimbursement from the Foundation for any such Federal funds used to pay for such salaries.

(b) Additional authorization

(1) In general

In addition to the amounts made available under subsection (a), the Foundation may accept Federal funds from a Federal agency under any other Federal law for use by the Foundation to further the assessment, prevention, reduction, and removal of marine debris in accordance with the requirements of this subchapter.

(2) Use of funds accepted from Federal agencies

Federal funds provided to the Foundation under paragraph (1) shall be used by the Foundation for matching, in whole or in part, contributions (whether in currency, services, or property) made to the Foundation by private persons [and State and local government agencies], State and local government agencies, United States and international nongovernmental organizations, regional organizations, and foreign government entities.

(c) Prohibition on use of grant amounts for litigation and lobbying expenses

Amounts provided as a grant by the Foundation shall not be used for-

- (1) any expense related to litigation consistent with Federal-wide cost principles; or
- (2) any activity the purpose of which is to influence legislation pending before Congress consistent with Federal-wide cost principles.

Sec. 3 of the Marine Debris Act (33 U.S.C. 1952)

§1952. NOAA Marine Debris Program

(a) Establishment of Program

There is established, within the National Oceanic and Atmospheric Administration, a Marine Debris Program to identify, determine sources of, assess, prevent, reduce, and remove marine debris and address the adverse impacts of marine debris on the economy of the United States, the marine environment, and navigation safety.

(b) Program components

The Administrator, acting through the Program and subject to the availability of appropriations, shall-

- (1) identify, determine sources of, assess, prevent, reduce, and remove marine debris, with a focus on marine debris posing a threat to living marine resources and navigation safety;
- (2) provide national and regional coordination to assist States, Indian tribes, and regional organizations in the identification, determination of sources, assessment, prevention, reduction, and removal of marine debris;
- (3) undertake efforts to reduce the adverse impacts of lost and discarded fishing gear on living marine resources and navigation safety, including-
 - (A) research and development of alternatives to gear posing threats to the marine environment and methods for marking gear used in certain fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and
 - (B) the development of effective nonregulatory measures and incentives to cooperatively reduce the volume of lost and discarded fishing gear and to aid in gear recovery;

(4) undertake outreach and education activities for the public and other stakeholders on sources of marine debris, threats associated with marine debris, and approaches to identifying, determining sources of, assessing, preventing, reducing, and removing marine debris and its adverse impacts on the United States economy, the marine environment, and navigation safety, including outreach and education activities through public-private initiatives;

(5) develop, in consultation with the Interagency Committee, interagency plans for the timely response to events determined by the Administrator to be severe marine debris events, including plans to-

(A) coordinate across agencies and with relevant State, tribal, and local governments to ensure adequate, timely, and efficient response;

(B) assess the composition, volume, and trajectory of marine debris associated with a severe marine debris event; and

(C) estimate the potential impacts of a severe marine debris event, including economic impacts on human health, navigation safety, natural resources, tourism, and livestock, including aquaculture;

(6) work to develop outreach and education strategies with other Federal agencies to address sources of marine debris;

(7) except for discharges of marine debris from vessels, in consultation with the Department of State and other Federal agencies, promote international action, as appropriate, to reduce the incidence of marine debris, including providing technical assistance to expand waste management systems internationally; and

(8) in the case of an event determined to be a severe marine debris event under subsection (c)-

(A) assist in the cleanup and response required by the severe marine debris event; or

(B) conduct such other activity as the Administrator determines is appropriate in response to the severe marine debris event.

(c) Severe marine debris events

At the discretion of the Administrator or at the request of the Governor of an affected State, the Administrator shall determine whether there is a severe marine debris event.

(d) Grants, cooperative agreements, [and contracts] contracts, and other agreements

(1) In general

The Administrator, acting through the Program, shall enter into cooperative agreements [and contracts] , contracts, and other agreements and provide financial assistance in the form of grants for projects to accomplish the purpose set forth in [section 1951 of this title](#).

(2) Grant cost sharing requirement

(A) In general

Except as provided in subparagraphs (B) and (C), Federal funds for any grant under this section may not exceed 50 percent of the total cost of such project. For purposes of this subparagraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(B) Waiver

The Administrator may waive all or [part of the] part of a matching requirement under subparagraph (A) or (C) if the Administrator determines that no reasonable means are

available through which applicants can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(C) Severe marine debris events

Notwithstanding subparagraph (A) and except as provided in subparagraph (B), the Federal share of the cost of an activity carried out under a determination made under subsection (c) shall be-

- (i) 100 percent of the cost of the activity, for an activity funded wholly by funds made available by a person, including the government of a foreign country, to the Federal Government for the purpose of responding to a severe marine debris event; or
- (ii) 75 percent of the cost of the activity, for any activity other than an activity funded as described in clause (i).

(3) Amounts paid and services rendered under consent

(A) Consent decrees and orders

If authorized by the Administrator or the Attorney General, as appropriate, the non-Federal share of the cost of a project carried out under this chapter may include money paid pursuant to, or the value of any in-kind service performed under, an administrative order on consent or judicial consent decree that will remove or prevent marine debris.

(B) Other decrees and orders

The non-Federal share of the cost of a project carried out under this chapter may not include any money paid pursuant to, or the value of any in-kind service performed under, any other administrative order or court order.

(4) Eligibility

Any State, local, or tribal government whose activities affect research or regulation of marine debris, and any institution of higher education, nonprofit organization, or commercial organization with expertise in a field related to marine debris, is eligible to submit to the Administrator a marine debris proposal under the grant program.

(5) Project review and approval

The Administrator shall-

- (A) review each marine debris project proposal to determine if it meets the grant criteria and supports the goals of this chapter;
- (B) after considering any written comments and recommendations based on the review, approve or disapprove the proposal; and
- (C) provide notification of that approval or disapproval to the person who submitted the proposal.

(6) Project reporting

Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success in meeting its stated goals, and impact of the grant activities on the marine debris problem.

(7) IN-KIND CONTRIBUTIONS.—With respect to any project carried out pursuant to a contract or other agreement entered into under paragraph (1) that is not a cooperative agreement or an agreement to provide financial assistance in the form of a grant, the Administrator may contribute on an in-kind basis the portion of the costs of the project that the Administrator determines represents the amount of benefit the National Oceanic and Atmospheric Administration derives from the project.

(e) RECEIPT AND EXPENDITURE OF FUNDS.—In order to accomplish the purpose set forth in section 2, the Administrator, acting through the Program, may receive and, only to the extent provided in advance in appropriations Act, expend funds made available by—

- (1) any department, agency, or instrumentality of the United States;
- (2) any State or local government (or any political subdivision thereof);
- (3) any Indian tribe;
- (4) any foreign government or international organization;
- (5) any public or private organization; or
- (6) any individual.

(f) USE OF RESOURCES.—In order to accomplish the purpose set forth in section 2, the Administrator, acting through the Program, may use, with consent, with reimbursement, and subject to the availability of appropriations, the land, services, equipment, personnel, and facilities of—

- (1) any department, agency, or instrumentality of the United States;
- (2) any State or local government (or any political subdivision thereof);
- (3) any Indian tribe;
- (4) any foreign government or international organization;
- (5) any public or private organization; or
- (6) any individual.

Sec. 7 of the Marine Debris Act (33 U.S.C. 1956)

§1956. Definitions

In this chapter:

(1) Administrator

The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(1A) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(2) Interagency Committee

The term "Interagency Committee" means the Interagency Marine Debris Coordinating Committee established under [section 1954 of this title](#).

(3) Marine debris

The term "marine debris" means any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or the Great Lakes.

(4) MARPOL; Annex V; Convention

The terms "MARPOL", "Annex V", and "Convention" have the meaning given those terms under [section 1901\(a\) of this title](#).

(5) Program

The term "Program" means the Marine Debris Program established under [section 1952 of this title](#).

(6) Severe marine debris event

The term "severe marine debris event" means atypically large amounts of marine debris caused by a natural disaster, including a tsunami, flood, landslide, or hurricane, or other source.

(7) State

The term "State" means-

(A) any State of the United States that is impacted by marine debris within its seaward or Great Lakes boundaries;

(B) the District of Columbia;

(C) American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands; and

(D) any other territory or possession of the United States, or separate sovereign in free association with the United States, that is impacted by marine debris within its seaward boundaries.